

HON'BLE SRI JUSTICE K. SURESH REDDY**CRIMINAL PETITION Nos.5547 and 5548 of 2023****COMMON ORDER:**

As both the criminal petitions arise out of FIR No.108 of 2023 of Venkatagiri Police Station, Tirupati District, they are being disposed of by this common order.

2. Crl.P.No.5547 of 2023 is filed by A.2 and Crl.P.No.5548 of 2023 is filed by A.1, under Section 438 of Cr.P.C. seeking to enlarge them on anticipatory bail in the above crime, which was registered against the petitioners for the offences punishable under Sections 498, 419, 417, 315, 318 read with 34 of IPC.

3. Brief facts of the prosecution case are that, the *de-facto* complainant is the husband of A.1 and their marriage was performed on 28.05.2021. After the marriage, they led marital life and in the month of September, 2022, A.1 conceived. Thereafter, A.1 went to her parents' house and used to come now and then to the house of the *de-facto* complainant. While so, on 08.04.2023, A.1 disclosed to the *de-facto* complainant stating that she is having relationship with A.2 and requested for divorce, for which the *de-facto* complainant stated that as A.1 was at the advance stage of pregnancy and requested her to postpone the divorce till the delivery. It is further alleged that on 15.04.2023, A.1 sent a message to the *de-facto* complainant and went along with A.2. When the *de-facto* complainant enquired with the mother of A.1 about her daughter (A.1), she did not give any reply. Hence on 17.04.2023, the *de-facto* complainant gave a report to the Venkatagiri PS complaining woman missing, but the police did not register any crime. Thereafter, on enquiry, the *de-facto*

complainant came to know that A.1 got abortion at Hanumantha Sai Nursing Home, Macharla town, wherein, A.1 has disclosed in the permission form stating that A.2 is her husband. It is further alleged by the *de-facto* complainant that A.1 by giving false statement in the above hospital stating that A.2 is her husband and got abortion. On the basis of the said allegations, present crime has been registered against A.1 as well as A.2.

4. Learned counsel for the petitioners contends that even before registration of the present crime on 15.04.2023, A.1 lodged a complaint before the Superintendent of Police, Tirupati through Spandana programme, making certain allegations against the *de-facto* complainant. Subsequently, even before that, A.1 has already filed HM OP before the Senior Civil Judge's Court, Gudur against the *de-facto* complainant, seeking dissolution of the marriage. It is only, thereafter, the *de-facto* complainant resorted to the present complaint and as such, he requests this Court to grant anticipatory bail to the petitioners/A.1 & A.2.

5. On the other hand, learned Assistant Public Prosecutor, opposed the bail applications, stating that, A.1 with a dishonest intention, disclosed the name of A.2 as her husband for getting abortion.

6. This Court perused the entire material on record. Be that as it may, it is a fact that the marriage of the *de-facto* complainant was performed with A.1 on 28.05.2021 and subsequently due to the differences, they are residing separately. As A.1 has already filed a complaint before the Superintendent of Police, Tirupati on 30.05.2023 and further, as she has already filed HM OP before the Court of Senior

Civil Judge, Gudur, seeking dissolution of the marriage, this Court is inclined to grant anticipatory bail to the petitioners/A.1 & A.2.

7. The petitioners/A.1 & A.2 are directed to surrender before the Station House Officer, Venkatagiri PS, Tirupati District, within a period of ten (10) days from today. On such surrender, the Station House Officer, Venkatagiri PS, is directed to enlarge the petitioners/A.1 & A.2 on bail on their furnishing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) each with two sureties for the like sum each to his satisfaction. After release, they are directed to cooperate with the investigation and not to tamper with the prosecution witnesses.

8) Both the criminal petitions are allowed, accordingly.

Date: 17.08.2023
BSS

Justice K. SURESH REDDY

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